

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 09-10743-GAO

ANTHONY COOPER,
Petitioner,

v.

KARIN T. BERGERON,
Respondent.

ORDER GRANTING CERTIFICATE OF APPEALABILITY
May 6, 2013

O'TOOLE, D.J.

The petitioner's application for a certificate of appealability is GRANTED as to the following issues:

1. Whether the state court's decision to admit voice identification evidence (a) was a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the state court proceedings or (b) was a decision that was an unreasonable application of clearly established federal law as determined by the Supreme Court of the United States; and

2. Whether the state court finding that the petitioner voluntarily waived his Miranda rights was an unreasonable application of clearly established federal law as determined by the Supreme Court of the United States.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge